

CIVIL SERVICE COMMISSION MINUTES

September 1, 2010

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

Present were:

Francesca Krauel
W. Dale Bailey
A.Y. Casillas
Rudolf Hradecky

Absent was:

Bill O'Connor

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer
Thomas J. Harron, Commission Legal Advisor
Selinda Hurtado-Miller, Reporting

Approved
Civil Service Commission

October 6, 2010

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 1, 2010**

1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters
 and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San
 Diego, California

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
3,6,9		4,5	11,12

COMMENTS: Motion by Bailey to approve all items not held for
discussion; seconded by Casillas. Carried.

**CLOSED SESSION AGENDA
County Administration Center, Room 400B**

Members of the public may be present at this location to hear the announcement of the closed session agenda. An appellant has the right to have the discussion of his/her item in open session. Notify the Commission Office in writing if you desire the open session discussion. (Notices pursuant to Government Code Sections 54954.2 and 54957(b))

- A. Commissioner Bailey: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(b)) Charles B. Walker, Esq., on behalf of **2010-03**, Deputy Sheriff-Detentions, appealing an Order of Pay Step Reduction and Charges from the Sheriff's Department.
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (GOV. CODE SEC. 54956.9(a)) **San Diego County Library v. San Diego County Civil Service Commission**, Court of Appeal, Fourth Appellate District, Division One, Case No. D056445. (Superior Court Case No. 37-2009-00085505-CU-WM-CTL)

OPEN SESSION AGENDA
County Administration Center, Room 358

MINUTES

1. Approval of the Minutes of the regular meeting of August 4, 2010.

Approved.

CONFIRMATION OF ASSIGNMENT

2. Commissioner Krauel: **Chau Tran**, former Human Services Specialist, appealing a Final Order of Termination and Charges from the Health and Human Services Agency. (See Item No. 4 below.)

Confirmed.

DISCIPLINE

Findings

3. Commissioner Bailey: Charles B. Walker, Esq., on behalf of **2010-03**, Deputy Sheriff-Detentions, appealing an Order of Pay Step Reduction and Charges from the Sheriff's Department.

FINDINGS AND RECOMMENDATIONS:

The Commission appointed Commissioner W. Dale Bailey to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, the matter was duly noticed and came on for hearing on July 21, 2010.

The causes of discipline were: *CAUSE I You are guilty of Conduct Unbecoming an Officer, as set forth under Section 7.2 (m) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.4 - Unbecoming Conduct; CAUSE II You are guilty of Negligence, as set forth under Section 7.2 (q) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section 2.27 - Neglect of Duty; CAUSE III You are guilty of acts that are incompatible with and/or inimical to the public service as set forth under Section 7.2 (s) of Rule VII of the Rules of the Civil Service Commission of the County of San Diego. You are guilty of acts, which are incompatible with the San Diego County Sheriff's Department Executive Order and the Mission, Vision, Values and Goals. Your conduct constituting such*

acts inimical to the public service is set forth under Cause I and II above.

CONCLUSION: Employee is guilty of Cause I, Conduct Unbecoming; Employee is not guilty of Cause II, Negligence; and Employee is guilty of Cause III, Acts Incompatible with and/or Inimical to the Public Service.

LEVEL OF DISCIPLINE: This appears to be a single incident of poor judgment. Therefore, the Department's selection of discipline is appropriate.

RECOMMENDATIONS: Based on the findings and conclusions set forth above, it is hereby recommended that the Order of Pay Step Reduction be affirmed; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Bailey to approve Findings and Recommendations; seconded by Casillas. Carried.

DISCRIMINATION

Complaints

4. **Chau Tran**, former Human Services Specialist, alleging discrimination by the Health and Human Services Agency. (See Item No. 2 above.)

RECOMMENDATION: Assign Commissioner Krauel as Investigating Officer and ratify referral of complaint to the Office of Internal Affairs for investigation and report.

Staff recommendation approved.

5. **Charles B. Walker, Esq.**, on behalf of **2010-07**, Deputy Sheriff-Detentions, alleging discrimination by the Sheriff's Department.

RECOMMENDATION: Assign Commissioner Casillas as Investigating Officer and ratify referral of complaint to the Office of Internal Affairs for investigation and report.

Staff recommendation approved.

SELECTION PROCESS

Appeals

6. **Robert Ray**, Human Services Specialist, Health and Human Services Agency, appealing the Department of Human Resources' determination that he is not qualified to compete in the

selection process for the classification of Alcohol and Drug Program Specialist. (Continued from the August 4, 2010 meeting.)

RECOMMENDATION: Deny Request.

Mr. Robert Ray addressed the Commission regarding the minimum qualifications for the classification of Alcohol and Drug Program Specialist. Mr. Ray explained that he had approximately 9 years of volunteer work in a related field and was appealing his disqualification on the basis of volunteer work versus paid work.

The Commissioners questioned Mr. Ray regarding the type of volunteer service rendered and acknowledged him for such work on behalf of the San Diego community. They also explained that volunteer work is difficult to measure.

Kathy Murphy, an HR Specialist with DHR, answered questions from the Commission regarding the selection process for this classification, and the Department's determination that volunteer work is not a substitute for paid employment for this particular classification. Ms. Murphy further stated that if volunteer work had been accepted, it would have been posted on the job announcement and class specification.

Motion by Krauel to deny request; seconded by Hradecky. Carried.

Findings

7. **Michael Gallardo**, appealing the Department of Human Resources' removal of his name from the employment list for Deputy Sheriff Cadet.

RECOMMENDATION: Ratify. Appellant has been successful in the appellate process provided by Civil Service Rule 4.2.2.

Item No. 7 ratified.

OTHER MATTERS

Extension of Temporary Appointments

8. Agriculture, Weights & Measures

2 Pest Management Technicians I (Gabriel Hernandez, Marshall Randol)

4 Insect Detection Specialists I (Luis Alarid, Peter Egea, Shanto George, Dustin Hynton)

RECOMMENDATION: Ratify.

Item No. 8 ratified.

9. Sheriff's Department

6 Sheriff's Fingerprint Examiners (Cassandra Barnes, Kyanna Cape, Katie Dupras, Serena Martin, Julie Ott, Marianne Recasas)

RECOMMENDATION: Ratify.

Commissioner Krauel requested that this item be pulled for discussion and questioned why the Fingerprint Examiner position was a temporary appointment. Denise Reiber, Employee Relations Manager for the Sheriff's Department, explained that this classification is grant-funded every six months; and it is therefore necessary to extend the appointments for 6 months, followed by a new batch of examiners yearly.

Motion by Krauel to ratify Item No. 9; seconded by Bailey. Carried.

PUBLIC INPUT

10. Members of the public may address any matter relating to the Civil Service Commission, other than the items that are on this agenda.

None.

INFORMATION

11. **Terry Powers**, Land Use Environmental Planner II, withdrawal of appeal of a Final Order of Suspension and Charges from the Department of Planning and Land Use. (Commissioner O'Connor)

Withdrawn.

12. **Terry Powers**, Land Use Environmental Planner II, Department of Planning and Land Use, withdrawal of request to seal his performance appraisal covering the period February 17, 2009 through February 16, 2010. (Continued from the July 7, 2010 meeting.)

Withdrawn.

ADJOURNED: 3:20 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION:

OCTOBER 6, 2010

ASSISTANCE FOR THE DISABLED:

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